

AMENDED IN ASSEMBLY MARCH 19, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 215

Introduced by Assembly Members Feuer and Smyth
(Principal coauthors: Assembly Members Huffman and Lieu)
(Principal coauthor: Senator Florez)
(Coauthors: Assembly Members Carter, Jeffries, Knight, and Silva)

February 3, 2009

An act to add Section 1418.21 to the Health and Safety Code, relating to long-term health care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 215, as amended, Feuer. Long-term health care facilities: ratings.

Existing law provides for the licensure and regulation by the State Department of Public Health of health care facilities, including long-term health care facilities. Existing law creates the State Health Facilities Citation Penalties Account in the Special Deposit Fund, with the moneys in this account to be used, upon appropriation, for prescribed purposes.

This bill would require a long-term health care facility to post, in accordance with prescribed requirements, the overall facility rating information determined by the federal Centers for Medicare and Medicaid Services. Violation of this requirement would be a class B violation, as defined, with the proceeds from fines collected to be deposited into the State Health Facilities Citation Penalties Account. ~~The bill would require the department to report to the Legislature and Governor on the results of the postings.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 1418.21 is added to the Health and Safety Code, to read:

1418.21. (a) A long-term health care facility *that has been certified for purposes of Medicare or Medicaid and provides skilled nursing care* shall post the overall facility rating information determined by the federal Centers for Medicare and Medicaid Services (CMS) in accordance with the following requirements:

(1) The information shall be posted in at least the following locations, in the facility:

(A) An area accessible and visible to members of the public.

(B) An area used for employee breaks.

(C) An area used by residents for communal functions, such as dining, resident council meetings, or activities.

(2) The information shall be posted on a white or light-colored sheet of paper that is at least 8 1/2" x 11" in size, ~~in a clear and easily readable font of at least 20 point, and shall include all of the following:~~

~~(A) The full name and full address of the facility.~~

~~(B) The overall star rating given by CMS to that facility. The star rating shall be designated with the same number of star symbols assigned by the CMS rating. The stars shall be at least one inch tall or, if no star symbol is available, "[the number of stars given by CMS to the facility] STARS" in capital letters may be substituted using a clear, easily readable font of at least one inch tall print.~~

~~(C) Directly beneath the stars or number of stars information the text "out of five stars" shall be present.~~

~~(D) The address of the CMS Internet Web site where a detailed explanation of the posted rating may be obtained. that includes all of the following, in the following order:~~

~~(A) The full name of the facility, in a clear and easily readable font of at least 30 point.~~

~~(B) The full address of the facility in a clear and easily readable font of at least 20 point.~~

~~(C) The most recent overall star rating given by CMS to that facility, except that a facility shall have five business days from the date when it receives a different rating from the CMS to include the updated rating in the posting. The star rating shall be aligned~~

1 in the center of the page. The star rating shall be expressed as the
2 number that reflects the number of stars given to the facility by
3 the CMS. The number shall be in a clear and easily readable font
4 of at least three inches print. Directly below the number shall be
5 the same number of star symbols of at least one-half inch print.

6 (D) Directly below the star symbols shall be the following text
7 in a clear and easily readable font of at least 30 point:

8 “The above number of stars is out of five stars.”

9 (E) Directly below the text described in subparagraph (D) shall
10 be the following text in a clear and easily readable font of at least
11 20 point:

12 “The federal Centers for Medicare and Medicaid Services gave
13 the above rating to this facility. A detailed explanation of this
14 rating is maintained at this facility and will be made available
15 upon request.”

16 “This information can also be accessed online at the Nursing
17 Home Care Compare Web site at www.medicare.gov/NHcompare.”

18 (3) A copy of the most recent CMS report on the facility shall
19 be maintained at the facility, and shall be made available to
20 residents or the public upon request.

21 ~~(b) By July 1, 2012, the department shall provide to the~~
22 ~~Legislature and the Governor a report on the results of posting~~
23 ~~these ratings. The report shall make recommendations for~~
24 ~~legislative, regulatory, or fiscal initiatives that would further the~~
25 ~~goal of improving the transparency of long-term health care. The~~
26 ~~report shall specifically address all of the following:~~

27 ~~(1) The number of facilities whose ratings have improved since~~
28 ~~the enactment of this section.~~

29 ~~(2) The number of facilities whose ratings have declined since~~
30 ~~the enactment of this section.~~

31 ~~(3) The number of facilities that appealed the rating initially~~
32 ~~given by CMS.~~

33 ~~(4) Recommended changes to the program.~~

34 ~~(5) Other information the department deems necessary or~~
35 ~~appropriate.~~

36 (4) The requirements of this section shall be in addition to any
37 other posting or inspection report availability requirements.

38 (e)

39 (b) Violation of this section shall constitute a class B violation,
40 as defined in subdivision (e) of Section 1424 and, notwithstanding

- 1 Section 1290, shall not constitute a crime. Fines from a violation
- 2 of this section shall be deposited into the State Health Facilities
- 3 Citation Penalties Account, created pursuant to Section 1417.2.

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